

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISON

JEREMY BRAVO, LINDSEY	§	
NGUYEN, “P.P.,” “D.D.,”	§	
	§	
Plaintiffs.	§	
	§	
	§	
	§	
v.	§	CIVIL ACTION NO. 6:21-CV-162
	§	
NANCY PELOSI, MITCH	§	
McCONNELL, CHUCK SCHUMER,	§	
MARK ZUCKERBERG, et al.	§	
	§	
Defendants.	§	JURY TRIAL REQUESTED

PLAINTIFFS’ MOTION FOR TEMPORARY RESTRAINING ORDER

COME NOW, Jeremy Bravo, Lindsey Nguyen, “P.P.,” and “D.D.” (collectively, “Plaintiffs”), by and through their attorney, Paul M. Davis, to bring this Motion for Temporary Restraining Order, and in support thereof, respectfully represent the following to this Honorable Court:

A. By operation of the 20th Amendment, 3 U.S.C. Chapter 1, HAVA, and the 1960 CRA, the Article III federal judiciary is now the only branch of the United States government with constitutional authority to act.

1. Pursuant to the evidence and the provisions of the Constitution and the United States Code set forth herein, which conclusively and irrefutably establish current “Vacancies” in the offices of President, Vice President, all 435 House seats, and 33 Senators, the judicial power vested in this Court under Article III of the Constitution compels the *shocking but logical conclusion* that, because this Court is the only Article III federal court in the entire United States presented with the relief requested herein, this Court is now effectively in charge of the United States government, assuming entry of the Temporary Restraining Order, to which Plaintiffs are entitled, as follows.

2. In support of this Motion, Plaintiffs hereby incorporate by reference all of the allegations set forth in their Original Class Action Complaint and Application for Injunctive Relief (Doc. 1) (the “Complaint”), including all exhibits thereto. The Plaintiffs are entitled to entry of the form of Temporary Restraining Order attached hereto (the “TRO”) because (1) they will suffer imminent and irreparable injury if Defendants are not immediately restrained;¹ (2) there is no adequate remedy at law² for the mental anguish of the *terrifying* realization that Defendants acts have resulted in an unconstitutional Congress, President, and Vice President (these offices are actually still *vacant* under the laws of the United States);³ (3) Plaintiffs have a substantial likelihood of prevailing on the merits;⁴ (4) there is no threatened harm that entry of the attached form of Temporary Restraining Order (“TRO”) would inflict on Defendants⁵ (other than on their pride); (5) issuance of the TRO is heavily in the public interest and would be entered according to clear public policy⁶ under the laws of the United States; and (6) Plaintiffs are willing to post a bond in the amount the Court deems appropriate.⁷ The bond amount must be nominal since there is no risk of harm to Defendants, other than a hit to their pride from exposure of their illegitimacy.⁸

3. As such, the Court must grant the TRO with or without notice to Defendants⁹ since every minute that passes prior to entry is another minute of severe mental anguish suffered by

¹ See Fed. R. Civ. P. 65(b)(1); *Fairchild Semiconductor Corp. v. Third Dimension (3D) Semiconductor, Inc.*, 564 F. Supp. 2d 63, 66–68 (D. Me. 2008); *Nw. Airlines, Inc. v. Bauer*, 467 F. Supp. 2d 957, 963–64 (D.N.D. 2006).

² See *Prudential Ins. Co. of Am. v. Inlay*, 728 F. Supp. 2d 1022, 1030–31 (N.D. Iowa 2010); see *Ruggieri v. M.I.W. Corp.*, 826 F. Supp. 2d 334, 336 (D. Mass. 2011).

³ The only exception are the 67 Senators whose terms did not end on January 3, 2021, but whom, nonetheless were willful participants in the conspiracy set forth in the Original Complaint (Doc. 1) and have no power to constitutionally exercise “legislative Powers” as a unicameral legislature under U.S. Const. Art. I, §1.

⁴ See *Prudential*, 728 F.Supp. at 1029; *Fairchild*, 564 F.Supp. 2d at 66–67.

⁵ See *Prudential*, 728 F.Supp. at 1031–32; *Fairchild*, 564 F.Supp. 2d at 66.

⁶ See *Prudential*, 728 F.Supp. at 1031–32; *Midwest Retailer Associated, Ltd. v. City of Toledo*, 563 F. Supp. 2d 796, 812 (N.D. Ohio 2008).

⁷ Fed. R. Civ. P. 65(c).

⁸ Where the district court determines that the risk of harm is remote, or that the circumstances otherwise warrant it, the court may fix the amount of the bond accordingly, and in some circumstances, a nominal bond may suffice. See, e.g., *International Controls Corp. v. Vesco*, 490 F.2d 1334 (2d Cir.1974) (approving district court's fixing bond amount at zero in the absence of evidence regarding likelihood of harm).

⁹ See Fed. R. Civ. P. 65(b)(1); *Garcia v. Yonkers Sch. Dist.*, 561 F.3d 97, 106 (2d Cir. 2009).

Plaintiffs and the putative class of tens of millions of Americans, including many millions of Texans, who understand or at least strongly suspect that Congress and/or the “President” and “Vice President” were not legitimately elected and who live every moment in fear of losing more civil rights.¹⁰

B. Granting the TRO is not only required under the law, but merely reflects the attitudes of an increasingly strong majority of Americans.

4. Granting the TRO is clearly in the public interest because the Court would merely be echoing what a strong majority of Americans already believe to be true—the corrupt two-party system controlled and influenced by Defendants does not represent the will of the people. “Sixty-two percent of U.S. adults say the ‘parties do such a poor job representing the American people that a third party is needed,’” up from 57% in September.¹¹ Between 53 and 59 percent of Americans believe the country is headed in the “wrong direction.”¹² Though the Cabal¹³ of media entities described in Secret History will desperately and predictably (and pathetically) attempt to “spin” entry of the TRO as an “unconstitutional power grab by a Trump-appointed federal judge to thwart the will of the people” or similar, the exact opposite is true because entry of this order is necessary to save the Constitution. Such rantings will merely be the agonal gasps of the dying establishment recognizing the cold, hard truth—their reign of terror and corruption scheme on the People of the United States to line their own pockets and secure absolute power without accountability to the People, is at an end.

C. Failing to enter the TRO would effectively be this Court’s declaration that the United States is no different than a third-world despotism.

¹⁰ See Chuck Lindell, *Was the election rigged? Polls show 1 factor determines your answer: party affiliation*, AUSTIN AMERICAN STATESMAN, available at www.statesman.com (“The vast majority [“83%] of Texas Republicans believe there was widespread voter fraud in the 2020 election.” A sizable percentage of all Americans also believe “widespread fraudulent behavior occurred in the 2020 election”—76% of Republicans nationwide. *Id.* Only 59% of “independents” disagreed, while even 5% of Democrats did not disagree). *Id.*

¹¹ Jeffrey M. Jones, *Support for Third U.S. Political Party at High Point*, GALLUP (February 15, 2021), available at news.gallup.com.

¹² *Polls: Direction of Country*, REAL CLEAR POLITICS, available at www.realclearpolitics.com (citing latest YouGov, Rasmussen, and Politico polls) (last visited Feb. 24, 2021).

¹³ All capitalized terms not defined herein shall have the meanings ascribed in the Complaint.

5. “*Never let a good crisis go to waste.*” Democrat provocateur, Rham Emanuel’s, now infamous quote was put to perfect execution in 2020 to cower the American People into finally giving up the last safeguard to all of their constitutional rights—the right to an elected, representative form of government, otherwise known as the “guarantee” to a “Republican Form of Government” in Article IV, § 4 of the Constitution.¹⁴ Emanuel’s statement was in context of the “2008 financial crisis.”¹⁵ In 2020, Defendants used this same public-fear-of-a-crisis tactic to implement the sweeping changes to state congressional election laws and procedures, changes that violated HAVA and the 1960 CRA, on the grounds that the COVID-19 pandemic demanded such actions be taken.¹⁶

6. If the United States Constitution and Code can be so easily sidestepped merely by declaring a “crisis,” then the U.S. is truly no longer a nation under the rule of law, but is instead subject to the whims of whichever executives happens to be in power through “executive orders,” which, as expressed in *Youngstown*,¹⁷ are themselves of doubtful constitutionality—more so here where the “president” does not lawfully hold office. If this Court allows suspensions of the rule of law to continue anytime the federal or state executives declare a “crisis,” then the United State is little different than any despotic regime in history. Such a situation cannot be allowed to continue for even a moment longer. Therefore, entry of the TRO with or without notice is more than justified.

D. Plaintiffs will suffer imminent and irreparably injury if the Court does not enter the TRO.

7. In addition to Plaintiffs’ imminent and irreparable injuries of continuing to suffer intense mental anguish from knowledge that the U.S. government (other than the Article III courts)

¹⁴ See Complaint, ¶ 6 (citing *Duncan v. McCall*, 139 U.S. 449, 461 (1891) (explaining the “Guarantee Clause” is the “right of the people”).

¹⁵ Another crisis with certain highly suspect circumstances with similarities to Defendants’ conspiracy at issue in this lawsuit, which are too nuanced to be addressed herein.

¹⁶ See generally Emma Colton, *Rahm Emanuel reprises ‘never let a crisis go to waste’ catchphrase amid coronavirus pandemic*, WASHINGTON EXAMINER (Mar. 24, 2020), available at www.washingtonexaminer.com.

¹⁷ See *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579 (1952) (reflecting four approaches to “executive orders,” all of which assume, of course, that the sitting president holds office by a constitutional process).

is illegitimate and can now trample on their rights at will unless the Court takes action. The following specific actions and threats by Congressional Defendants and the Executive Branch¹⁸ constitute further imminent and irreparable injury.

8. Most disturbing are the House's passage of H.R. 5, the "Equality Act" and it's proposal of H.R. 1, the "For the People Act,"¹⁹ both being tragically ironic misnomers.²⁰ To tens of millions of Americans of religious faith, H.R. 5 is a tribulation²¹-level nightmare whereas it (1) forces Christian²² taxpayers to pay for abortions,²³ (2) forces Christian adoption agencies to perform adoption services for "LGBTQ+" couples in violation of their religious convictions,²⁴ (3) forces Christian schools and churches to hire LGBTQ+ teachers and pastors, (4) would effectively force the Christian bakery²⁵ to bake that cake for the homosexual wedding or face a courtroom verdict, and will (5) force Christian doctors to perform abortions.²⁶ Not only will H.R. 5 force Christian churches, schools, and social services to close their doors, but it is a war on women. Effectively, it ends women's sports whereas any male can compete in female sports merely by subjectively declaring he is a "she," but it ***legalizes sexual abuse of women*** by forcing them to use the restroom alongside biological males and enables the ***unconscionable*** scenario where a female cosmetologist could be

¹⁸ "Executive Branch" refers to Joseph P. Biden, his cabinet, Kamala Harris, and all subordinate government officials. Plaintiffs will not refer to Mr. Biden or Kamala Harris as "President Biden" or "Vice President Harris" because neither were confirmed to office by a lawful congressional process, as set forth herein.

¹⁹ Respectively, H.R. 1 and H.R. 5, 117th Cong. (2021).

²⁰ A good rule of thumb: "You can be sure anything that comes of D.C. does the *opposite* of its name." Christopher Bedford, '*Equality Act*' Viciously Attacks Christians, Freedom, Society, Sex, And You, The Federalist (Feb. 25, 2020), available at <https://thefederalist.com>.

²¹ The "tribulation" is a concept from Christian eschatology based largely on the Books of Revelation and Daniel.

²² "Christian" is used herein as a metonym for all persons of faith with similar beliefs simply because Plaintiffs are Christians."

²³ As Christians, Plaintiffs believe life begins at conception. See Psalms 139:15–16 NKJV ("My frame was not hidden from You, When I was made in secret, *And* skillfully wrought in the lowest parts of the earth. Your eyes saw my substance, being yet unformed. And in Your book they all were written, The days fashioned for me, When *as yet there were* none of them.") (emphasis in original). Therefore, pursuant to Bible, it flows logically that abortion is murder under the common law definition: "the intentional killing of another with malice aforethought."

²⁴ To be clear, Plaintiffs bear no antipathy toward members of the LGBTQ+ community, but the Bible teaches in Romans 1 that homosexual sex is a sin because it was not God's design for creation and, in Genesis 1:27, that God created "male and female," as human beings "in his own image." Christians have the right to the free practice of their own religion under the First Amendment, and H.R. 5, is in itself, unconstitutional.

²⁵ Another metonym for all other faith-based business in similar circumstances.

²⁶ See H.R. 5; Bedford, *supra* note 19.

forced to make the impossible choice of waxing the genitals of a transgender biological male or suffer the legal repercussions of a discrimination lawsuit.²⁷

9. H.R. 1 abrogates HAVA, thus destroying Suffrage Rights,²⁸ and effectively erases the Guarantee Clause from the Constitution by allowing for *nationwide mail-in voting* and every other inherently unsecure election process imaginable.²⁹ If H.R. 1 and H.R. 5 are not sufficiently shocking to the conscience, there are substantial pushes in Congress to cram down other radical legislation by a mere 51% majority³⁰ of Congressional seats through eliminating the filibuster and the “Byrd Rule,”³¹ to allow passage of laws that would effectively eradicate the Second Amendment, replace capitalism with socialism through some version of the “Green New Deal”—using Rahm Emanuel’s “crisis strategy” yet again³²—and secure permanent one-party rule through statehood for D.C. and Puerto Rico and packing the Supreme Court.³³

10. The nightmare only gets worse. Mr. Biden’s executive orders and agenda for the unconstitutional Executive Branch is highly likely to result in *catastrophic financial and physical harm* to Plaintiffs. After America finally achieved “energy independence” over the last four years, Biden’s executive orders placing a moratorium on new oil and gas leases on federal lands, ending construction of the Keystone XL Pipeline, eliminating fossil fuel industry subsidies, and rejoining the

²⁷ *Supra*, Bedford, note 19.

²⁸ See *infra*, p. 8.

²⁹ Including, (1) abolishing the requirement to provide notarization or witness signature as a condition of obtaining or casting a ballot, (2) nationwide ballot harvesting by permitting voters to designate any other person to return their ballot, (3) federal takeover of redistricting from state legislatures, (4) allowing convicted felons to vote, (5) mandatory allowance for early voting, (6) internet-only registration with electronic signature submission, (7) banning requirement for submission of Social Security Numbers for voter registration, (8) lowering the voting age to 16, and (9) nationwide same-day voter registration. See H.R. 1.

³⁰ Official reports state Mr. Biden also only won the popular vote by 51% margin. Complaint, ¶ 10, n.1.

³¹ See Complaint, ¶ 10 and citing references.

³² Dinesh D’Souza, *United States of Socialism* (All Points Books 2020), pp. 109–16 (describing \$90 trillion cost of socialist provisions contained in Green New Deal, including net-zero carbon emissions by 2030, universal basic income even if unwilling to work, government-paid housing, education, and healthcare justified by climate models that are highly questionable and that have been historically incorrect in their predictions); see also Mark Mills, *What’s Wrong with Wind and Solar*, PragerU, available at <https://www.prageru.com/video/whats-wrong-with-wind-and-solar/> (describing how environmental cost of constructing wind and solar plants vastly outweighs any environmental benefits).

³³ See Exhibit 1, “List of Departures from Existing Policy” and citing references.

Paris Climate Accords³⁴ as well as his well-known statement in the final presidential debate that he would phase out fracking and the oil industry,³⁵ have resulted in a whopping **62% increase in the price of oil since Election Day**, about 30% of which occurred in the last 30 days.³⁶

11. The catastrophic financial cost to Americans of dramatic increases in the price of oil need not be explained. What is often overlooked, however, is that Mr. Biden's energy policy **will result in terrorist attacks and foreign wars.** As set forth in **Exhibit 2** hereto, Russia's "break even" target of \$42/barrel is a threshold for the funding of terrorist activity and military conflict in the Middle East.³⁷ President Trump's energy policy kept oil prices low, thus defunding ISIS³⁸ and Russia's military, leading to historic peace in the Middle East. Mr. Biden's energy policies not only fund terrorism, but he has now lifted all the so-called "xenophobic" restrictions on travel from countries known to host terrorist groups.³⁹ Further catastrophic financial loss to Plaintiffs is also imminent once the lack of a constitutional government becomes apparent to all, resulting in the United States ceasing to be a financial investing haven.⁴⁰

12. If the Court does not grant the TRO, Plaintiffs and millions of Americans like them will suffer and continue to suffer the imminent and irreparable harm from the foregoing, as set forth in the Declarations under penalty of perjury attached hereto, as **Exhibit 7**. Moreover, Plaintiffs would

³⁴ Megan Henney, *AOC, Green New Dealers rejoice over Biden's climate plan: 'It's almost as if we helped shape the platform'*, Fox News, available at www.foxnews.com.

³⁵ Ken Tarbous, *Joe Biden's Comments on Fracking in the Final Debate May Come Back to Haunt Him in Pennsylvania*, NEWSWEEK (Oct. 23, 2020), available at www.msn.com.

³⁶ Up from roughly \$40/barrel on November 4, 2020 to roughly \$63/barrel as of the filing of this Motion with \$10 increase over last 30 days. See Oil Price Charts, available at <https://oilprice.com/oil-price-charts/> (last visited Feb. 26, 2021).

³⁷ **Exhibit 2**, "Brief in Support of Plaintiff's Injuries and Damages." The factual statement contained in **Exhibit 2**, supported by the research and analysis of expert witness John S. Vanderbol are incorporated by reference as though fully set forth herein. Mr. Vanderbol's CV is attached hereto as **Exhibit 3**. Mr. Vanderbol has 27 years of experience operating multi-national, multi-industry corporations with assets exceeding billions of dollars, which required constant geopolitical risk analysis and analysis of complex systems, including but not limited to advanced technological systems.

³⁸ Metonym for terrorist organizations.

³⁹ See **Exhibit 1**.

⁴⁰ See Exhibit 4 to Complaint, John S. Vanderbol, *Global Financial Analysis*.

urge the Court to consider whether it wants to be responsible for the high risk of loss of life in terrorist attacks and military conflicts likely to arise.⁴¹

E. There is a substantial likelihood that Plaintiffs will prevail on the merits.

13. As set forth in the Complaint, 42 U.S.C. § 1983⁴² gives Plaintiffs a right of action against federal officials and private persons who act as “willful participants in joint activity with the State or its agents.”⁴³ Plaintiffs state a clear cause of action in the Complaint under § 1983 against Defendants for their conspiracy to deprive Plaintiffs of their fundamental right to a republican form of government and associated Fourteenth Amendment rights to substantive due process and equal protection related to suffrage (collectively, “Suffrage Rights”).⁴⁴ Defendants’ severe and pervasive violations of the HAVA and the 1960 CRA—the very laws that *prevent* deprivation of such rights—are, obviously,⁴⁵ in themselves deprivation of Plaintiffs’ Suffrage Rights, especially where the violations of the 1960 CRA make “effective protection of the right to vote” by preservation of an audit trial, impossible.⁴⁶ Similar to the 1960 CRA, HAVA was enacted specifically to protect our “most fundamental right as American citizens: the right to vote.”⁴⁷

⁴¹ Another risk to safety the Court may want to consider is what could happen if American citizens are given the impossible choice of giving up the right to protect their lives and property with firearms or give them up to the government in a buyback program or similar confiscation attempts. See generally D’Souza, *supra* note 29, pp. 169–70 (describing Venezuelan “buy-back” program and aftermath). Also, how long until Congress and the Executive Branch act to take the power from the federal courts to stop their despotic regime through court-packing or neutering the federal courts altogether under Article III, § 1 (Supreme Court is the only constitutionally mandated court—the rest are “ordain[ed] and establish[ed]” by Congress)

⁴² Plaintiffs have similar rights to relief through a *Bivens* claim and under 42 U.S.C. §§ 1985 and 1986. See Complaint, ¶¶ 122–57.

⁴³ Complaint, ¶ 34.

⁴⁴ *Id.* ¶¶ 113–21; see generally *Bush v. Gore*, 531 U.S. 98, 105 (2000) (describing 14th Amendment suffrage rights); *United States v. State of Tex.*, 252 F. Supp. 234 (W.D. Tex.), aff’d sub nom. *Texas v. United States*, 384 U.S. 155 (1966) (same).

⁴⁵ That violations of HAVA and the 1960 CRA are violations of Plaintiffs’ Suffrage Rights is obvious because if this were *not* the case, it would lead to the absurd result where the bereaved are deprived of a civil wrongful death claim against a murderer simply because the murderer was able to change criminal laws to avoid criminal prosecution. Moreover if the federal government will not enforce their own laws, which are specifically designed to protect Suffrage Rights, clearly private citizens have a right to do so in the courts, or else these laws may as well be erased from the U.S. Code.

⁴⁶ *State of Ala. ex rel. Gallion v. Rogers*, 187 F. Supp. 848, 853 (M.D. Ala. 1960), aff’d sub nom. *Dinkens v. Attorney Gen. of U.S.*, 285 F.2d 430 (5th Cir. 1961) (purpose of 52 U.S.C. § 21082 requirement to preserve all “records and papers” for 22 months is to “secure a more effective protection of the right to vote”); see also *Kennedy v. Lynd*, 306 F.2d 222, 225 (5th Cir. 1962) (purpose is to provide “an effective means whereby preliminary investigations of registration practices can be made in order to determine whether or not such practices conform to constitutional principles”).

⁴⁷ See 148 Cong. Rec. S10412-02 (Oct. 15, 2002) (statement of Sen. Dodd regarding final Senate conference report).

14. Plaintiffs' relief under § 1983 not only includes a right to legal damages from Defendants but also temporary and preliminary injunctive relief to preserve the status quo where there is a risk of immediate and irreparable harm to Plaintiffs.⁴⁸ The right to injunctive relief under § 1983 also extends to the Executive Branch the President and Vice President since they are in active concert or participation with Defendants to deprive Plaintiffs of their constitutional rights.⁴⁹

15. The severe and pervasive violations of HAVA and the 1960 CRA are clear and obvious through the publicly available information cited in the reports and exhibits attached hereto in support of this Motion, which factual statements are fully incorporated herein by reference. The most salient example of widespread violations of the 1960 CRA is that so many state election procedures provided, when a mail-in ballot is counted, the envelope and postage are separated from the ballot and discarded.⁵⁰ Not only is this a clear violation of the requirement in 52 U.S.C. § 20701 to preserve all such "records and papers" for 22 months, but it is a highly substantive violation because the postmarks and barcodes on these envelopes are key evidence in determining whether an illegal ballot harvesting scheme was perpetrated. Moreover, as specifically shown in the attached report, all 53 Voting Districts failed to comply with the 1960 CRA duty to preserve all papers and records for audit under § 20701 in various other ways.⁵¹ The states' failure to require the prerequisite copies or forms of identification be submitted with mail-in ballots and/or included with voter registration by mail is a notable example of widespread HAVA violations. These violations alone would be enough to trigger Plaintiffs right to relief, but they are only the tip of the iceberg when it comes to violations of subchapter III of HAVA.⁵²

⁴⁸ *Shaw v. Garrison*, 467 F.2d 113, 114 (5th Cir. 1972) (Wisdom, J. citing *Mitchum v. Foster*, 407 U.S. 225, 242 (1972) for proposition that § 1983 provides injunctive relief for redress of deprivations of constitutional rights); *Collum v. Edwards*, 578 F.2d 110, 113 (5th Cir. 1978) (function of temporary injunctive relief is to preserve status quo).

⁴⁹ Fed. R. Civ. P. 65(d)(2)(C) binds "other persons who are in active concert or participation with" defendants.

⁵⁰ See **Exhibit 4**, John S. Vanderbol, *Report in Review of Paper Records Violations* and attachments listing specific violations; Expert Report and Sworn Declaration of Nathan Cain, Document 14-4, Case 6:21-cv-00043-ADA-JCM.

⁵¹ *Supra* note 50.

⁵² Complaint, Exhibit 5 (Doc. 1-5); **Exhibit 5**, *List of Notable HAVA violations*.

16. The above violations resulted in an unconstitutional congressional election process since HAVA and the 1960 CRA preempt state law and states are required to follow federal laws when they received conditional grants to implement same.⁵³ The states received funds under HAVA and the CARES Act, which further required them to follow the “minimum requirements of HAVA.”⁵⁴ The states’ failures to follow HAVA and the 1960 Act means every Congressman or Senator who was elected in 2020 (or 2021 as in the case of the two Georgia Senators) are not lawful officers of the United States. As such their actions taken since January 3, 2021⁵⁵ must be restrained. Title 3, Chapter 1 of the U.S. Code contain the process by which Congress must fill “Vacancies” in the office of President and Vice President, including counting and resolving objections to the Electoral College votes. 3 U.S.C. § 15. Whereas there are now a total of zero elected congressmen to fill the vacancies in the House, Congress lacks constitutional authority to exercise “legislative Powers” with only 67 Senators, and therefore could not have filled the vacancies in the offices of President and Vice President.⁵⁶

⁵³ *Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1, 9 (2013) (power of Congress over states to regulate congressional elections “is paramount and may be exercised at any time”); see *Oklahoma v. U.S. Civil Serv. Comm’n*, 330 U.S. 127, 143 (1947) (10th Amendment does not forbid congressional exercise of power over states that accept conditional funds); see also *Guidance on Use of HAVA Funds for Expenses Related to COVID-19*, U.S. Election Assistance Commission and 2020 CARES ACT GRANT FAQS, U.S. Elections Assistance Commission, both available at www.eac.gov (specifying states must use HAVA & CARES Act grants in compliance with HAVA).

⁵⁴ 52 U.S.C. § 2184; **Exhibit 6**, Estimated CARES Act Expenditures, EAC.

⁵⁵ U.S. Const. amend. XX, § 1 provides congressional terms end on January 3 at noon and the presidential term ends on January 20 at noon.

⁵⁶ 3 U.S.C. § 19 seems to mandate that the Senate Pro Tempore must act as President under these circumstances, but Senator Leahy was complicit in the conspiracy against Plaintiffs by approving the use of CARES Act funds for violation of HAVA with knowledge of HAVA, since he was in the Senate in 2002 when HAVA was passed, and therefore also needs to be restrained to the same extent as Biden/Harris until a new lawful congressional election can be held. In any case, the Court must recognize that **neither the legislative branch, nor the executive branch has the constitutional authority to contravene any order for injunctive relief the Court now grants** pursuant to Fed. R. Civ. P. 65. Since Plaintiffs have shown a substantial likelihood of prevailing on the merits, this leads to the shocking yet legally airtight conclusion that this Court is now in charge of the United States government until jury trial on the merits after which a new congressional election must be ordered.

17. **WHEREFORE**, Plaintiffs pray the Court enter the attached form of Temporary Restraining Order, set a hearing on temporary injunction and grant all other and further relief to Plaintiffs to which they may be justly entitled.

Respectfully submitted this February 26, 2021.

/s/ Paul M. Davis

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CERTIFICATION OF PAUL M. DAVIS

Pursuant to Fed. R. Civ. P. 65(b)(1)(B), I hereby certify the statements contained in paragraph 3. Furthermore, I certify this statement that Congress is currently surrounded by the National Guard and would, therefore, be difficult to serve. Plaintiffs will file a motion pursuant to Rule 4(c)(3) to have the respective Sergeants at Arms serve notice of this lawsuit and foregoing motion on Congress.

/s/ Paul M. Davis

Paul M. Davis